

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division**

In re:	Robyn L. Goff)	
)	
	Debtor.)	Case No. 13-30976-KRH
)	Chapter 13
Address)	
	Robyn L. Goff)	
	7506 Flag Tail Drive)	
	Midlothian, VA 23112)	
)	AP No. 13-03142-KRH
Last four digits of SSN or ITIN:	7125)	

ROBYN L. GOFF
Plaintiff

v.

FIA CARD SERVICES, NA
Defendant

MOTION FOR DEFAULT

COMES NOW, Krumbein Consumer Legal Services, Inc., counsel for Debtor(s), and pursuant to FRBP 7055 says as follows:

- 1) This motion is filed pursuant to Fed.R.Bankr.Proc. 7055.

JURISDICTION, VENUE, CORE PROCEEDING

- 2) This court has jurisdiction pursuant to 28 USC 1441.
- 3) This is the proper venue pursuant 28 USC 1391.
- 4) This is a core proceeding pursuant to 28 USC 157.

PARTIES

- 5) The movants are the Debtors in the above identified case, as defined by the Bankruptcy Code.
- 6) Respondents are creditors as defined by the Bankruptcy code.

FACTS.

- 7) On July 17, 2013, the Plaintiffs filed an adversary proceeding against defendants to determine the priority, extent and validity of a lien.
- 8) A summons was issued on July 18, 2013.
- 9) Service of the Summons and Complaint was made upon the defendants on July 24, 2013 pursuant to FRBP 7004.
- 10) FiaCard Services, NA national Bank corporation, and served by US Mail pursuant to FRBP 7004.
- 11) Fia Card Services, NA is a National Bank and may be an "Insured Depository Institution", and served by Certified Mail addressed to an officer pursuant to FRBP 7004(h).
- 12) No answer or responsive pleading has been filed by either party on the Complaint, as noted in the supporting affidavit. See Plaintiffs' Exhibit "A".
- 13) Defendants are not The United States or an agency thereof.
- 14) Defendants are not in the military service of the United States.
- 15) Defendants are therefore in default.**

APPLICABLE LAW

- 16) Pursuant to Fed.R.Bankr.Proc. 7055(a), the clerk is empowered to enter a party's default when it has failed to plead or otherwise defend as provided by the Bankruptcy rules, and that fact is made to appear by affidavit or otherwise.

RELIEF REQUESTED

WHEREFORE, Movants request that the court approve the foregoing motion for the reasons stated above, and

- a. Enter default Against FIA Card Services, NA.

/s/ Jason M. Krumbein, Esq.
Jason M. Krumbein, Esq. VSBN 43538
Counsel for the Debtor(s) in Bankruptcy
Krumbein Consumer Legal Services, Inc.
5310 Markel Road, Suite 102
Richmond, VA 23230
Tel: 804.303.0204 Fax: 804.303.0209
jkrumbein@krumbeinlaw.com

CERTIFICATE OF SERVICE

I certify that I have this September 9, 2013, transmitted a true copy of the foregoing Motion by regular mail to the to the Debtor and all defendants listed below.

FIA Card Services, Inc.
CO Steven R. Meenan, Esq.
Glasser and Glasser, PLC
580 E. Main St. Suite 600
Norfolk, VA 23510

FIA Card Services, Inc
CEO John R. Cochran, III
1100 N. King St.
Wilmington, DE 19884

/s/ Jason M. Krumbein, Esq.
Counsel for the Debtor(s) in Bankruptcy

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Last four digits of SSN or ITIN:	7125)	

ROBYN L. GOFF
Plaintiff

v.

FIA CARD SERVICES, NA
Defendant

DECLARATION UNDER PENALTY OF PERJURY PURSUANT TO 28 USC 1738

DECLARATION

I, Jason M. Krumbein, being duly sworn, state that:

- 1) I am the attorney for the Plaintiffs in this action.
- 2) On July 17, 2013, the Plaintiffs filed an adversary proceeding against Defendants to determine the priority, validity and extent of a lien held by FIA Card Services, NA.
- 3) A Summons was issued on July 18, 2013, and service of that summons was made upon the defendants on July 24, 2013 pursuant to F.R.Bankr.P. 7004.
- 4) The time for a responsive pleading or motion as set by the court was August 19, 2013..
- 5) No answer or other responsive pleading has been filed as of September 9, 2013.

6) Defendants are not enlisted in the military service; nor are they The United States or an Officer or Agency thereof.

7) Fia Card Services, NA is a National Bank, and was properly served under FRBP 7004 by service on both their registered agent and a corporate officer by Certified Mail.

8) The defendants are therefore in default.

Dated : September 9, 2013

by: ____/s/ Jason M. Krumbein
Jason M. Krumbein, Esq.
Counsel for the Plaintiffs
Krumbein Consumer Legal Services
5310 Markel Rd. Suite 102
Richmond, VA 23230